

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2093

Introduced by Assembly Member Grove

February 20, 2014

An act to amend Section ~~9030~~ 9014 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2093, as amended, Grove. Petitions: filings.

Existing law provides that an initiative or referendum measure may be proposed by filing with elections officials a petition signed by a specified number of voters. Under existing law, the proponents of an initiative measure have 150 days to gather signatures and file the initiative petition, and the proponents of a referendum measure have 90 days to gather signatures and file the referendum petition. Under existing law generally, when the last day to perform an act falls on a holiday, the time in which to perform that act is extended to the next business day.

This bill would specify that, if the final day to file an initiative or referendum petition falls on a holiday, as defined, the petition may be filed with the county elections official on the next business day.

~~Existing law specifies procedures for collecting signatures on a petition for an initiative, referendum, or recall, and for filing the petition and signatures with elections officials.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) Under the California Constitution, an initiative or*
4 *referendum measure may be proposed by presenting to the*
5 *Secretary of State a petition containing a specified number of*
6 *signatures. The California Constitution requires that a petition*
7 *for a referendum measure be submitted within 90 days of the date*
8 *of enactment of the statute that is the subject of the referendum,*
9 *and state law requires that a petition for an initiative measure be*
10 *submitted within 150 days of the date of the circulating title and*
11 *summary furnished by the Attorney General.*

12 *(b) In some instances, the final day to submit an initiative or*
13 *referendum petition falls on a holiday, when the offices of state*
14 *and county elections officials are closed. In those circumstances,*
15 *the proponents of an initiative or referendum measure are faced*
16 *with the choice of either submitting the petition prior to the holiday,*
17 *in which case the period to gather signatures would be reduced,*
18 *or submitting the petition after the holiday, in which case the*
19 *proponents would risk rejection of the petition as untimely.*

20 *(c) While the California Constitution specifies a period of 90*
21 *days to gather signatures for a referendum measure, it gives no*
22 *guidance as to how to construe the 90-day period in those instances*
23 *in which the final day falls on a holiday.*

24 *(d) The courts of this state have long held that the initiative and*
25 *the referendum are sacred rights of the people and provisions of*
26 *law shall be liberally construed to give full effect to the powers of*
27 *initiative and referendum.*

28 *(e) The framers of the California Constitution did not intend*
29 *that the powers of initiative and referendum should be frustrated*
30 *by the mere happenstance that the final day to submit a petition*
31 *falls on a holiday.*

32 *(f) It is a general and well-accepted rule of law that, when the*
33 *last day to perform an act falls on a holiday, the time in which to*
34 *perform that act is extended to the next business day.*

35 *(g) It is the intent of the Legislature in enacting this act to*
36 *preserve the people's rights of initiative and referendum by*
37 *clarifying that, in those instances in which the final day to submit*
38 *a petition falls on a holiday, the proponents of the initiative or*

1 *referendum measure may submit the petition on the next business*
2 *day following the holiday.*

3 *SEC. 2. Section 9014 of the Elections Code is amended to read:*

4 9014. (a) A petition for a proposed initiative ~~measure~~ or
5 referendum *measure* shall not be circulated for signatures prior to
6 the official summary date. ~~A~~

7 (b) *Subject to subdivision (d), a petition with signatures on for*
8 *a proposed initiative measure shall be filed with the county*
9 *elections official not later than 150 days from the official summary*
10 *date, and no a county elections official shall not accept a petition*
11 *on for the proposed initiative measure after that period. A*

12 (c) *Subject to subdivision (d), a petition for a proposed*
13 *referendum measure shall be filed with the county elections*
14 *officials official not later than 90 days from the date the legislative*
15 *bill was chaptered by the Secretary of State, and a county elections*
16 *official shall not accept a petition for the proposed referendum*
17 *measure after that period.*

18 (d) *If the last day to file a petition pursuant to subdivision (b)*
19 *or (c) is a holiday, as defined in Chapter 7 (commencing with*
20 *Section 6700) of Division 7 of Title 1 of the Government Code, the*
21 *petition may be filed with the county elections official on the next*
22 *business day. However, a petition filed pursuant to this subdivision*
23 *shall not be circulated after the petition filing deadline specified*
24 *in subdivision (b) or (c), and a signature obtained after that*
25 *deadline shall not be valid.*

26 ~~SECTION 1. Section 9030 of the Elections Code is amended~~
27 ~~to read:~~

28 9030. ~~(a) Each section of the petition shall be filed with the~~
29 ~~elections official of the county or city and county in which it was~~
30 ~~circulated, but all sections circulated in any county or city and~~
31 ~~county shall be filed at the same time. Once filed, a petition section~~
32 ~~shall not be amended except by the order of a court of competent~~
33 ~~jurisdiction.~~

34 ~~(b) Within eight days after the filing of the petition, excluding~~
35 ~~Saturdays, Sundays, and holidays, the elections official shall~~
36 ~~determine the total number of signatures affixed to the petition~~
37 ~~and shall transmit this information to the Secretary of State. If the~~
38 ~~total number of signatures filed with all elections officials is less~~
39 ~~than 100 percent of the number of qualified voters required to find~~
40 ~~the petition sufficient, the Secretary of State shall so notify the~~

1 ~~proponents and the elections officials, and no further action shall~~
2 ~~be taken with regard to the petition.~~

3 ~~(e) If the number of signatures filed with all elections officials~~
4 ~~is 100 percent or more of the number of qualified voters needed~~
5 ~~to declare the petition sufficient, the Secretary of State shall~~
6 ~~immediately so notify the elections officials.~~

7 ~~(d) Within 30 days after this notification, excluding Saturdays,~~
8 ~~Sundays, and holidays, the elections official shall determine the~~
9 ~~number of qualified voters who have signed the petition. If more~~
10 ~~than 500 names have been signed on sections of the petition filed~~
11 ~~with an elections official, the elections official shall use a random~~
12 ~~sampling technique for verification of signatures, as determined~~
13 ~~by the Secretary of State. The random sample of signatures to be~~
14 ~~verified shall be drawn in such a manner that every signature filed~~
15 ~~with the elections official shall be given an equal opportunity to~~
16 ~~be included in the sample. The random sampling shall include an~~
17 ~~examination of at least 500 or 3 percent of the signatures,~~
18 ~~whichever is greater. In determining from the records of registration~~
19 ~~what number of qualified voters have signed the petition, the~~
20 ~~elections official may use the duplicate file of affidavits of~~
21 ~~registered voters or the facsimiles of voters' signatures, provided~~
22 ~~that the method of preparing and displaying the facsimiles complies~~
23 ~~with law.~~

24 ~~(e) The elections official, upon the completion of the~~
25 ~~examination, shall immediately attach to the petition, except the~~
26 ~~signatures thereto appended, a properly dated certificate, showing~~
27 ~~the result of the examination, and shall immediately transmit the~~
28 ~~petition and the certificate to the Secretary of State. A copy of this~~
29 ~~certificate shall be filed in the elections official's office.~~

30 ~~(f) If the certificates received from all elections officials by the~~
31 ~~Secretary of State establish that the number of valid signatures~~
32 ~~does not equal 95 percent of the number of qualified voters needed~~
33 ~~to find the petition sufficient, the petition shall be deemed to have~~
34 ~~failed to qualify, and the Secretary of State shall immediately so~~
35 ~~notify the proponents and the elections officials.~~

36 ~~(g) If the certificates received from all elections officials by the~~
37 ~~Secretary of State total more than 110 percent of the number of~~
38 ~~qualified voters needed to find the petition sufficient, the petition~~
39 ~~shall be deemed to qualify as of the date of receipt by the Secretary~~
40 ~~of State of certificates showing the petition to have reached the~~

- 1 110 percent, and the Secretary of State shall immediately so notify
- 2 the proponents and the elections officials.

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